

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAFIYQ DAVIS,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 23-CV-4841
	:	
CITY OF PHILADELPHIA, <i>et al.</i>	:	
Defendants.	:	

ORDER

AND NOW, this 3rd day of June, 2024, upon consideration of Plaintiff Rafiyq Davis's Motions to Proceed In Forma Pauperis (ECF Nos. 10, 13), and pro se Complaint (ECF No. 2) it is **ORDERED** that:

1. Leave to proceed in forma pauperis is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. The Complaint is **DEEMED** filed.
3. The Complaint is **DISMISSED** for the reasons in the Court's Memorandum as follows:
 - a. Davis's claims challenging the constitutionality of his conviction, imprisonment, or revocation of probation are **DISMISSED WITHOUT PREJUDICE** to Davis raising those claims in a newly filed civil action only in the event the conviction or sentences are first reversed, vacated, or otherwise invalidated; and
 - b. Davis's claims based on the taxation of marijuana will be **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.
 - c. The balance of Davis's Complaint is **DISMISSED WITH PREJUDICE** as time barred.

4. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.